

**A RESOLUTION
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ATLANTA DEVELOPMENT AUTHORITY (ADA) FOR FUND AND PROJECT MANAGEMENT OF THE 2009 BROWNFIELD REVOLVING LOAN FUND (BRLF) GRANT AWARDED TO THE CITY BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR BROWNFIELD REDEVELOPMENT IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED SIXTY THOUSAND DOLLARS (\$860,000.00); AND FOR OTHER PURPOSES.

WHEREAS, brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant; and

WHEREAS, cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands; and

WHEREAS, the redevelopment of brownfields, is an important element of City planning documents, including but not limited to, the Comprehensive Development Plan, and the Beltline Redevelopment Plan; and

WHEREAS, the City, through previous assessment grants awarded by the U.S. Environmental Protection Agency (EPA), has identified and assessed potential brownfield sites throughout the City as the first step in the process of reclaiming and redeveloping brownfield properties; and

WHEREAS, through such assessment efforts, the City has identified an estimated 950 brownfield properties within the City of which there are approximately 140 brownfields along the Beltline and another 40 in the other targeted corridors; and

WHEREAS, a second step in the redevelopment process is securing Brownfield Revolving Loan Fund (BRLF) grants from EPA to capitalize a revolving loan fund and to provide sub-grants to carry out cleanup activities at brownfield sites that might otherwise would be left undeveloped, thereby contributing to the supply of land needed to meet the demands of the City's projected growth in population and jobs; and

WHEREAS, pursuant to Resolution 08-R-2172, the City Council authorized the Mayor to submit on behalf of the City a collaborative Brownfield RLF grant application, with Atlanta Development Authority as project partner, to EPA under its 2009 competitive BRLF grant program; and

WHEREAS, in 2009 the EPA selected the City for a BRLF grant in an amount of \$1,000,000 to be used to provide loans and sub-grants to support cleanup activities for sites contaminated with petroleum and hazardous substances. Grant funds also will be used to manage the BRLF, oversee cleanups, and support community outreach activities. The grant is expected to result in the cleanup of 10 to 15 sites and help with cleanup and land-use planning of other sites thereby reducing potential human exposure to contaminants and help spur redevelopment of idle properties into economically productive uses and greenspace; and

WHEREAS, pursuant to Ordinance 09-O-1415, the City Council authorized and the Mayor signed the 2009 BRLF grant agreement with EPA; and

WHEREAS, the Atlanta Development Authority (ADA), co-applicant to the City's 2009 BRLF grant application, has substantial experience in the management of revolving loan funds and the City desires to take advantage of such experience by entering into a memorandum of understanding with ADA as to both the fund and project management for the BRLF grant.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is hereby authorized, on behalf of the City, to enter into a Memorandum of Understanding with Atlanta Development Authority, for the purpose of administering Eight Hundred Sixty Thousand Dollars (\$860,000.00) of the 2009 Brownfield Revolving Loan Fund Grant awarded to the City by the United States Environmental Protection Agency for Brownfield redevelopment.

BE IT FURTHER RESOLVED , that all costs shall be charged to and paid from account numbers 25210641 101 250131888 5212001 (800,000.00) and 250401 1001 5212001 (60,00.00).

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the MOU will not become binding upon the City and the City will incur no obligation or liability under it until it has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to Atlanta Development Authority.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

For Legislative Counsel Use Only

_____ Date Received _____ Complete _____ Incomplete (Date returned: _____)

_____ Date of Department Consultation _____ Date of Finance Department Consultation

Commissioner Notified: ____ Yes ____ No If No, Why? _____

Legislation Required

____ Yes ____ No

Legislation Type

____ Resolution ____ Ordinance

Amends the Code

____ Yes ____ No

Blueback Prepared

____ Yes ____ No

Commissioner Signature _____

Council Members Only:

Authority to speak to Subject Matter Attorney ____ Yes ____ No

Authority to speak to Department ____ Yes ____ No

Date Submitted: 12/18/2010

Department Submitting Request: jDPCD

Person Submitting Request: gbrown Extension: 6724

Bureau/Division Manager: Charletta Wilson Jacks Extension: 6145

Requesting preliminary meeting with Legislative Counsel attorney? ☒ Yes ☐ No

Subject Matter of the Meeting Structure of MOU

Cycle Number/Requested Full Council Date (not earlier than 4 weeks from date of submission): 2-2010

If this must be submitted to Council in fewer than 4 weeks explain why. Please identify consequences if legislation is not submitted for requested cycle. Also, if applicable, please state why the Legislative Request Form was submitted after the Cycle deadline. All non-conforming requests must have Commissioner approval. NA

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

Part I: Legislative Request Form:

Instructions: Please answer all questions fully before submitting. Attach additional pages if necessary. All requests for legislation must have approval of a manager prior to submission. All incomplete requests will be returned. Send request via electronic mail to Legislative Counsel. No hard copies will be accepted. Please refer to attached deadlines for the relevant Chief of Staff submission guidelines.

1. Legislation Name/Project Name: jRLF-MOU-ADA

2. What is the purpose of this legislation? (check one)

- ☐ Accept a grant or donation [If so, is a matching grant required?] ☐ Yes ☐ No
- ☐ Amend budget
- ☐ Amend Code of Ordinances
- ☐ Amend Contract
- ☐ Anticipate funds
- ☐ Appropriate funds
- ☐ Apply for a grant or donation
- ☐ Authorize/renew Contract
- ☐ Fines/penalties
- ☐ Human Resources related
- ☐ Make a purchase
- ☐ New project
- ☐ Procuring goods
- ☐ Procuring services
- ☐ Other, please explain Execute MOU with ADA for brownfield project.

☐ If this legislation is to award/amend/renew a contract, please provide the following:

Expiration date of contract: NA

Contract Term (months/yr):

3. Can the purpose of this legislative request be accomplished administratively?

☐ Yes ☒ No ☐ I Don't Know

4. Please explain and estimate any financial impact on the City or your Department.

☐ Will there be a fee or charge assessed by the City?

- ☐ If so, how much? NA
- ☐ How was the fee or charge determined?
- ☐ Will revenue be generated for the City?

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

Please remember to contact Human Resources if this request involves personnel changes (ex. Reclassification, New Hires, Termination, etc.

5. If there has been previous or similar legislation, please describe and cite the relevant legislation (e.g., 04-R-0001). 08-R-2172

6. Is this a computer/technology purchase? ☐ Yes ☒ No

If so, please forward ISR (Information System Hardware/Software Request) along with a copy of this Legislative Request Form via inter-office mail to: Legislative Counsel, Suite 4100, Law Department.

Please forward any additional pertinent or supporting documents (e.g. contracts, exhibits, requisitions, copies of any old ordinances/resolutions pertaining to this issue, etc.) along with a copy of this Legislative Request Form and legislative white paper via email to legislative_counsel or via inter-office mail to: Legislative Counsel, Suite 4100, Law Department.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel: Committee of Purview: Caption:
Council Meeting Date: Requesting Dept.: FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to execute a MOU with the Atlanta Development Authority for the Brownfield RLF Project.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The City has completed a brownfield assessment grant that identified properties for cleanup. this MOU will allow the city to provide grants and loans for cleanup purposes.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): Memorandum of Understanding

(b) Source Selection: NA

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*): 1001

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: \$60,000--General fund account 1001 250401 5212001.

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: garnett brown x6724

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN:

Dept.'s Legislative Liaison: Garnett Brown

Contact Number: x6724

Originating Department: Planning and Community Development

Committee(s) of Purview: CD/HR

Chief of Staff Deadline: January 12, 2010

Anticipated Committee Meeting Date(s): January 26, 2010

Anticipated Full Council Date: February 1, 2010

Legislative Counsel's Signature: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____

CAPTION

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FINANCIAL IMPACT (if any): 60,000.00 out of general fund
Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) 1/12/10 (date)

Received by Mayor's Office: _____ Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)